

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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CASE NO.: CV 16-02129 SJO (RAOx)

DATE: November 13, 2017

TITLE: Spencer et al. v. Lunada Bad Boys et al.

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PRESENT: THE HONORABLE S. JAMES OTERO, UNITED STATES DISTRICT JUDGE

Victor Paul Cruz
Courtroom Clerk

Not Present
Court Reporter

COUNSEL PRESENT FOR PLAINTIFFS:

COUNSEL PRESENT FOR DEFENDANTS:

Not Present

Not Present

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PROCEEDINGS (in chambers): ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR ORDER FOR SETTING HEARING ON PLAINTIFF'S MOTION FOR SANCTIONS [Docket No. 508]

This matter is before the Court on Plaintiffs Cory Spencer ("Spencer"), Diana Milena Reed ("Reed"), and Coastal Protection Rangers, Inc.'s ("CPRI") (together, "Plaintiffs") Ex Parte Application for Order for Setting Hearing on Plaintiffs' Motion for Sanctions ("Application"), filed October 30, 2017.¹ Defendant Brant Blakeman ("Blakeman") opposed the Application ("Opposition") on November 1, 2017, and Plaintiffs replied ("Reply") on November 7, 2017.

The Court finds that Plaintiffs have sufficiently alleged issues of spoliation and other behaviors by Defendant that demonstrate good cause for the opportunity to brief these issues in full, and that the extended timeline for the trial reduces the prejudice to Defendant in preparing an Opposition. Given that these issues are intertwined with ongoing discovery disputes before Magistrate Judge Rozella A. Oliver, the Application is hereby referred to Judge Oliver for Report and Recommendation. Judge Oliver is authorized to set a briefing schedule on Plaintiff's Motion for Sanctions and conduct further hearings and proceedings as may be appropriate or necessary.

IT IS SO ORDERED.

¹ The Court notes that the proper procedure in this instance would have been for Plaintiffs to request leave to file the Application, not for an Order setting a hearing date. The Court has evaluated the Application as such a request, and **GRANTS** the Application on this basis.